

REMARKS/ARGUMENTS**The Objection to Claims 6-13):**

In the non-final Office action mailed March 3, 2008, the Examiner has objected to claims 6-13 as being in improper form because a multiple dependent claim cannot dependent from any other multiple dependent claim.

In the latest Office action, it appears that the Examiner has examined on the merit claims 1-14 as originally presented in the PCT patent application. The Applicants would like to draw the attention of the Examiner that the applicants have filed a preliminary amendment by hand-delivery on September 30, 2005 (Copy is enclosed). A copy of the filed preliminary amendment is also enclosed in this response. Accordingly, this objection should be withdrawn.

Rejections under 35 USC 102(e):

In the non-final Office action mailed March 3, 2008, the Examiner has rejected Claims 1-5 and 14 under 35 USC 102(e) as being anticipated by Nakano et al (US6,746,125).

In view of the present amendment, Applicants respectfully traverse the present rejection and request reconsideration and allowance of the pending claims for at least one of the following reasons. None of these references teach or suggest each and every limitation recited in the pending claims. Applicants have rewritten the claims to define the invention more particularly and distinctly so as to overcome the technical objections and rejections and define the invention patentably over the prior art. Specifically, claim 1 and 14 have been modified to provide that the objective lens is fixed to the optical engine. This aspect provides the durability and portability as the optical engine, with the lens attached is more durable than a similar device where the objective lens is part of the housing. This in fact is the system described in the US 7,097,397. For example, note

Page 6, 2:39 PM, 9/3/2008. Response Non-Final Office action, Mailed on March 3, 2008. Applicants: SOPER et al. Title: A VIDEO PROJECTOR AND OPTICAL ENGINE Filing Date: 11/17/2005. Application Serial Number: 10/550,449. Examiner: Andrew T Sever, Art unit:2851. Confirmation No. 4639. Mail Stop: Amendment

column 4, lines 64-67 as well as the figures referred to there in.

Thus, the presently claimed invention differs in a material way from the reference relied upon by the Examiner. This feature is neither suggested or described by the reference.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F. 3d 1292, 63 USPQ2d 1597 (Fed.Cir.2002); See *Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2D 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the....claim. *Richardson v. Suzuki Motor Co.*, CO F. 2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir.1989).

Thus, it is respectfully requested that this rejection be reconsider and withdrawn.

Prior Art Made of Record:

The references that were cited but not relied upon are no more relevant than the reference that was relied upon. The absence of additional patentability arguments should not be construed as either a disclaimer of such arguments or that such arguments are not believed to be meritorious.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance and notification to that effect is earnestly requested. If desired, the examiner is invited to conduct a telephone conference to expedite the prosecution of the subject application. In such a case, the examiner is invited to call the undersigned attorney.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicants or Applicants' undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any fees which may be required

Page 7. 2:39 PM, 9/3/2008. Response Non-Final Office action. Mailed on March 3, 2008. Applicants: SOPER et al. Title: A VIDEO PROJECTOR AND OPTICAL ENGINE Filing Date: 11/17/2005. Application Serial Number: 10/550,449. Examiner: Andrew T Sever. Art unit:2851. Confirmation No. 4639. Mail Stop: Amendment

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regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

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Page 8. 2:39 PM. 9/3/2008. Response Non-Final Office action. Mailed on March 3, 2008. Applicants: SOPER et al. Title: A VIDEO PROJECTOR AND OPTICAL ENGINE Filing Date: 11/17/2005. Application Serial Number: 10/550,449. Examiner: Andrew T Sever. Art unit:2851. Confirmation No. 4639, Mail Stop: Amendment